

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Plaintiff,

v.

Case No. 14-CV-10266
Honorable Judith E. Levy
Magistrate David R. Grand

UNIVERSAL HEALTH GROUP, INC.
A/K/A MICHIGAN SPINE AND REHAB,
UHG MANAGEMENT, LLC,
PROFESSIONAL HEALTH SYSTEMS,
LLC A/K/A PROFESSIONAL MEDICAL
BILLING, LLC, SCOTT P. ZACK, D.C.,
DAVID M. KATZ, D.C.,
LOREN C. CHUDLER, D.O.,
JOSEPH F. DESANTO, HORIZON
IMAGING, LLC, CLEAR IMAGING, LLC,
JEFF S. PIERCE, D.O.,
THOMAS D. CARUSO, D.O., and
KATHERINE H. KARO, D.O.,

Defendants.

**NON-PARTY ANTHONY SERENO'S
RESPONSE AND OBJECTION TO PLAINTIFF'S SUBPOENA**

NOW COMES Non-party Anthony Sereno, by and through his attorneys and hereby provides the following objection and response to the Subpoena directed to him in the above captioned matter. In support of its Response and Objection, Non Party Anthony Sereno states as follows:

1. Anthony Sereno is NOT a party to this action and is therefore entitled to certain protections pursuant to Fed. R. Civ. P. 45(d)(1), which requires the party or attorney issuing the subpoena to "take reasonable steps to avoid imposing undue

burden or expense on a person subject to the subpoena.” Failure to do so may warrant sanctions against the party or attorney issuing the subpoena.

2. On or about May 27, 2015, State Farm, through its attorneys, issued a subpoena directed to Anthony Sereno. (“Subpoena”).

GENERAL OBJECTIONS

3. In the Subpoena, State Farm instructs Non-party Anthony Sereno to “produce any responsive documents” including those documents that may be in the possession of Non-party Anthony Sereno including “agents such as financial institutions, attorneys, or accountants.” (Subpoena, Instruction No. 1). This instruction essentially demands production of information that is likely protected by the attorney-client confidentiality and/or privilege and/or accountant-client confidentiality.

4. State Farm’s subpoena was submitted for an improper purpose, to harass and intimidate the other parties, as well as to harass, annoy and intimidate Non-party Anthony Sereno.

5. State Farm has overstepped its subpoena power by attempting to compel the production of privileged information from a Non-party — at great expense — rather than first seeking the information from the *actual parties* to the case, using conventional methods of discovery. Before Non-party Anthony Sereno can be ordered to comply, State Farm should be held to strictly demonstrate that the subpoenaed information is material to their case and that it would be unreasonably difficult to obtain the information from the parties themselves.

6. Non-party Anthony Sereno objects to the Subpoena on the grounds that it is unduly burdensome, vague, ambiguous, overbroad, and confusing, and to the extent

that they impose obligations on Non-party Anthony Sereno other than those imposed or authorized by the Federal Rules of Civil Procedure and/or any applicable order of this Court.

7. Non-party Anthony Sereno objects to the Subpoena to the extent that it is overly broad and seek information that is neither relevant to nor reasonably calculated to lead to the discovery of information relevant to this litigation.

8. The Subpoena seeks materials that Non-party Anthony Sereno does not maintain in any fashion that would enable production in a manner that is not unduly burdensome.

9. The Subpoena is vague and overbroad in that it seeks copies of records, communications, reports, notes, and correspondence concerning any and all individuals as opposed to only those individuals that are even tangentially involved in this case.

10. The Subpoena fails to contain reasonable time limitations.

11. The Subpoena improperly impinges upon the privacy rights of Non-party Anthony Sereno who is not party to the above-captioned lawsuit. Further, no allowance is made for restricting the use of Non-party Anthony Sereno's private financial information either to only the above-captioned action or to only the parties involved.

12. Non-party Anthony Sereno objects to the Subpoena to the extent that it seeks information contained in documents or the production of documents that are publicly available, or otherwise in the possession of State Farm, on the ground that the burden of obtaining those documents is substantially the same for State Farm as it is for Non-party Anthony Sereno.

13. Non-party Anthony Sereno objects to the Subpoena to the extent that it seeks information protected from discovery by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privilege or exemption. Inadvertent disclosure of any privileged or otherwise protected information and/or documents shall not constitute a waiver of any claim or privilege, work product protection, exemption, and/or immunity.

14. The aforementioned General Objections are incorporated into each of the following specific responses, supplemental or otherwise, to State Farm's Subpoena; they shall be deemed continuing as to each request set forth in such Subpoena; and they are not waived, or in any way limited, by the objections and responses more specifically set forth herein. Moreover, where Non-party Anthony Sereno answers any portion of the Subpoena herein, and also make a specific objection, such answer does not constitute a waiver of the objection, and such objection and all of the rights relative thereto are nonetheless preserved despite the answer.

15. Non-party Anthony Sereno reserves the right to assert additional objections to this subpoena as appropriate and to supplement these objections and responses. Further, each answer to each request is hereby incorporated into the other, and the answers should be read and considered as a whole, no one independent of the other.

RESPONSES AND OBJECTIONS TO SPECIFIC DOCUMENT REQUESTS

Document Request No. 1:

1. All Documents and Communications exchanged between You, on the one hand, and any of the Defendants, Vincent Celentano, Michigan Pro Consultants d/Io/a Greater Michigan Professional Services, LLC, WCIS Media LLC, Abell Corp., Brandon Abell, and/or B. Abell Inc., on the other hand, regarding (1) Universal, Horizon, and/or Clear; (2) the solicitation or contacting of automobile accident victims in the state of Michigan;

(3) the referral of automobile accident victims to medical providers or personal injury attorneys in the state of Michigan; and (4) any services You provided for any of the Defendants, United Wellness Centers Management LLC, United Wellness Centers Inc., United Wellness Management LLC, United Wellness Center of Lansing PLLC, United Wellness Center of Flint PLLC, United Wellness Center of Detroit PLLC, A Medical Inc., Associated Medical Inc., and/or Associated Chiropractic & Medical Center.

Response and Objection to Document Request No. 1:

Non-party Anthony Sereno OBJECTS to Document Request No. 1. Document Request No. 1 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 2:

2. All Documents relating to or reflecting the purchase of police reports for motor vehicle accidents occurring in the state of Michigan, including but not limited to all invoices and billing histories for any such purchases.

Response and Objection to Document Request No. 2:

Non-party Anthony Sereno OBJECTS to Document Request No. 2. Document Request No. 2 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 3:

3. All Documents reflecting Your and/or USA Direct's efforts to contact automobile accident victims in the state of Michigan and/or schedule those victims for transportation, medical care, and/or legal representation, including but not limited to R1 Field Report forms, Communications to and from the email address intake@miproconsultants.com, and Communications to and from any other email address used by You, USA Direct and/or Greater Michigan Professional Services LLC d/b/a MI Pro Consultants.

Response and Objection to Document Request No. 3:

Non-party Anthony Sereno OBJECTS to Document Request No. 3. Document Request No. 3 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 4:

4. All Documents reflecting the identities and last known contact information of all individuals who contacted automobile accident victims in the state of Michigan and/or scheduled those victims for transportation, medical care, and/or legal representation, regardless of whether or not such individuals were employees, independent contractors, or volunteers.

Response and Objection to Document Request No. 4:

Non-party Anthony Sereno OBJECTS to Document Request No. 4. Document Request No. 4 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 5:

5. All Documents relating to the hiring, training, and/or scheduling of "Medical Consultants" and all other individuals who contacted automobile accident victims in the state of Michigan and/or scheduled those victims for transportation, medical care, and/or legal representation.

Response and Objection to Document Request No. 5:

Non-party Anthony Sereno OBJECTS to Document Request No. 5. Document Request No. 5 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to

such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 6:

6. All Documents relating to payments You and/or USA Direct made to "Medical Consultants" and all other individuals who contacted automobile accident victims in the state of Michigan and/or scheduled those victims for transportation, medical care, and/or legal representation, including but not limited to all 1099 tax forms, W2 tax forms, paystubs, general ledgers, and other Documents reflecting these payments and the identities of the recipients.

Response and Objection to Document Request No. 6:

Non-party Anthony Sereno OBJECTS to Document Request No. 6. Document Request No. 6 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 7:

7. All Documents relating to the formation, ownership, purpose, management, and operation of USA Direct.

Response and Objection to Document Request No. 7:

Non-party Anthony Sereno OBJECTS to Document Request No. 7. Document Request No. 7 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 8:

8. All Documents relating to Your and/or USA Direct's recruitment of medical professionals and/or the purchase or acquisition of building leases for any of the Defendants, United Wellness Centers Management LLC, United Wellness Centers Inc., United Wellness Management LLC, United Wellness Center of Lansing PLLC, United

Wellness Center of Flint PLLC, United 'Wellness Center of Detroit PLLC, A Medical Inc., Associated Medical Inc., and/or Associated Chiropractic & Medical Center.

Response and Objection to Document Request No. 8:

Non-party Anthony Sereno OBJECTS to Document Request No. 8. Document Request No. 8 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 9:

9. All Documents reflecting any contracts or other agreements between You and any of the Defendants, WCIS Media, Vincent Celentano, Professional Holdings Unlimited LLC, USA Direct, and/or Greater Michigan Professional Services LLC d/b/a MI Pro Consultants.

Response and Objection to Document Request No. 9:

Non-party Anthony Sereno OBJECTS to Document Request No. 9. Document Request No. 9 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 10:

10. All Documents reflecting any payments You made to or received from any of the Defendants, WCIS Media, Vincent Celentano, Professional Holdings Unlimited LLC, USA Direct, and/or Greater Michigan Professional Services LLC d/b/a MI Pro Consultants.

Response and Objection to Document Request No. 10:

Non-party Anthony Sereno OBJECTS to Document Request No. 10. Document Request No. 10 in the Subpoena is unduly burdensome and harassing in that it

has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 11:

11. All Documents and Communications exchanged between You and any entity You own or control, including but not limited to We Care Case Management LLC and Serena Marketing & Management LLC, on the one hand, and any personal injury attorneys in the state of Michigan, on the other hand, regarding services provided by You, USA Direct, Greater Michigan Professional Services LLC d/b/a MI Pro Consultants, Universal, Horizon, and/or Clear.

Response and Objection to Document Request No. 11:

Non-party Anthony Sereno OBJECTS to Document Request No. 11. Document Request No. 11 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

Document Request No. 12:

12. All Documents reflecting any contracts or other agreements between You and any personal injury attorneys in the state of Michigan.

Response and Objection to Document Request No. 12:

Non-party Anthony Sereno OBJECTS to Document Request No. 12. Document Request No. 12 in the Subpoena is unduly burdensome and harassing in that it has no reasonable restrictions concerning scope and seeks information that is not relevant or reasonably calculated to lead to admissible evidence. Subject to such objections, Non-party Anthony Sereno states that he has no documents responsive to this request.

AS TO OBJECTIONS ONLY:

Respectfully submitted,

/s/JUSTIN HAAS

JUSTIN HAAS (P53153)

HAAS & GOLDSTEIN, P.C.

Attorney for Non-Party Anthony Sereno

31275 Northwestern Highway, Ste. 225

Farmington Hills, MI 48334

(248) 702-6550

Dated: June 30, 2015

CERTIFICATE OF SERVICE

I Pauline M. Jesue, hereby certify that on June 30, 2015, the foregoing Responses and Objection to Subpoena directed to Non-party Anthony Sereno, were served on all counsel of record via email:

- ben@goneklaw.com
- pjoelson@joelsonrosenberg.com
- gblumberg@blumbergpc.com
- sschwartz@clarkhill.com
- JDragovic@kotsangster.com
- dfink@finkandassociateslaw.com
- parvant@starkreagan.com

/s/Pauline M. Jesue